

OFFICIAL COPY

Fresno, California

January 30, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:30 a.m. and thereafter in regular session in the Council Chambers, City Hall.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember (arrived later)
	Dan Ronquillo	Acting President
	Henry Perea	Council President

Bob Quesada, City Manager's Office
Daniel Fitzpatrick, Agency Executive Director
Jesse Avila, Assistant City Attorney
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JANUARY 23, 2001

Councilmember Calhoun stated he was present for the vote on Item 2:30 P.M., Page 137-35, relating to the presentation by Justice Ardaiz on space needs of the Fifth Appellate District Court of Appeals. Upon further check of the record the original minutes were deemed correct. By Council consensus, the Agency minutes of January 23rd approved as submitted.

(A) AWARD A CONTRACT FOR ASBESTOS REMOVAL AND BUILDING DEMOLITION AT 2240 AND 2250 ILLINOIS AVENUE, AND 2514 TULARE STREET (AGENCY ACTION)

Redevelopment Administrator Murphey reviewed the staff report as submitted and a motion was made to approve staff's recommendation. Councilmember Calhoun advised his wife worked at Community Hospital and questioned if his participation would present a conflict of interest and requested a ruling by the City Attorney, with Assistant City Attorney Avila responding. Awaiting a legal ruling, Councilmember Calhoun recused himself from the subject and the following proceedings and left the meeting at 8:34 a.m.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, **RESOLVED**, a contract hereby awarded to Bowen Engineering & Environmental in the amount of \$34,200 for asbestos removal and building demolition at 2240 and 2250 Illinois Avenue, by the following vote:

Ayes : Boyajian, Castillo, Perea, Ronquillo, Duncan
Noes : None
Absent : Calhoun, Quintero

(B) APPROVE SIX PURCHASE AGREEMENTS FOR PROPERTIES WITHIN PHASE II OF THE REGIONAL MEDICAL CENTER EXPANSION (AGENCY ACTION)

A motion and second was made to approve the purchase agreements.

Barbara Hunt, 944 “F” street, spoke to the issue. Councilmember Quintero arrived at 8:38 a.m.

Agency Director Fitzpatrick responded briefly to questions of Acting President Ronquillo relative to when the homes would be demolished.

On motion of Acting President Ronquillo, seconded by President Perea, duly carried, the six purchase agreements for properties within Phase II of the Regional Medical Center hereby approved for a total purchase price of \$267,300; the Executive Director or his designee authorized to execute the documents necessary to effectuate the transactions, 30 days after the Agency Board adopts the replacement housing plan; and the Executive Director authorized, after adoption of the replacement housing plan and after the properties are purchased, to convey the land to CMC subject to the purchase price, deed restrictions, and other terms contained in the DDA, and to execute the documents necessary for the conveyance including, without limitation, escrow instructions and deeds, by the following vote:

Ayes : Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes : None
Absent : Calhoun

(C) CITY AUTHORIZATION OF A LOAN BETWEEN THE REDEVELOPMENT AGENCY AND THE JOINT POWERS FINANCING AUTHORITY TO FINANCE OR REFINANCE THE REDEVELOPMENT ACTIVITIES WITHIN THE MERGER NO. 2 PROJECT AREA

1. RESOLUTION NO. 01-29 - AUTHORIZING THE REDEVELOPMENT AGENCY TO ENTER INTO A LOAN AGREEMENT WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY (COUNCIL ACTION)

(D) AGENCY AND CITY APPROVAL OF CERTAIN DOCUMENTS RELATIVE TO PROPOSED LOANS BETWEEN AGENCY AND CITY FOR THE PURPOSE OF FINANCING REDEVELOPMENT ACTIVITIES WITHIN THE MERGER NO. 1 AND MERGER NO. 2 PROJECT AREAS

1. RESOLUTION NO. 01-30 - AUTHORIZING LOANS FROM THE CITY TO THE REDEVELOPMENT AGENCY (COUNCIL ACTION)

2. RESOLUTION NO. 1576 - AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND AN ESCROW AGREEMENT, AND AUTHORIZING THE EXECUTIVE DIRECTOR OR HIS DESIGNEE TO EXECUTE THE DOCUMENTS AND TAKE ALL NECESSARY ACTIONS TO ACCOMPLISH THE FOREGOING (AGENCY ACTION)

A motion and second was made to approve Items “C” and “D”.

Barbara Hunt, 944 “F” Street, spoke to the issue.

entitled Resolution Nos. 01-29, 01-30 and Agency Resolution No. 1576 hereby adopted, by the following vote:

Ayes : Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes : None
Absent : Calhoun

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The joint bodies adjourned at 8:44 a.m. and the City Council convened in regular session at 9:00 a.m. with all members present.

Father Norris, St. Helen’s Church, gave the invocation, and Councilmember Castillo led the Pledge of Allegiance to the Flag.

PROCLAMATION OF “ NATIONAL FAA WEEK” - COUNCILMEMBER BOYAJIAN

PRESENTATION OF STUDENT OF THE QUARTER AWARDS - COUNCIL PRESIDENT PEREA

The above proclamation and awards were read and presented.

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APPROVE COUNCIL MINUTES OF JANUARY 23, 2001

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of January 23rd approved, *as amended*, as follows: on Page 137-32, Item 1A-12, correcting the vote to show Councilmember Calhoun voting “No” instead of listed absent; and on Page 137-30, Paragraph 7, correcting the spelling of Ms. Torres’ name to Torrez, and indicating she felt there was no shortage, that she would pursue efforts for 20 minute bus service on Line 38, and she supported diesel fuel for buses.

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APPROVE AGENDA:

(1A-4) * RESOLUTION - 377TH AMENDMENT TO MFS RESOLUTION NO. 80-420 TO AMEND THE FEE CHARGED FOR CERTAIN POLICE REPORTS - POLICE DEPARTMENT

Removed from the agenda at the direction of staff.

(10:20 A.M.) TEFRA HEARING REGARDING THE ISSUANCE OF MOBILE HOME PARK REVENUE BONDS BY THE CALIFORNIA MOBILE HOME FINANCING AUTHORITY TO FINANCE THE ACQUISITION AND RENOVATION OF THE FRANCISCAN AND THE TOWNE & COUNTRY MOBILE HOME PARK PROJECTS (CONTINUE TO 2/6/01 @ 10:15 A.M.)

Continued as noted.

(11:00 A.M.#1) CONTINUED HEARING ON REZONING APPLICATION NO. R-00-036 AND ENVIRONMENTAL FINDINGS, FILED BY COLBURN THOMASON, PROPERTY LOCATED ON THE EAST SIDE OF N. VAN NESS BOULEVARD BETWEEN W. ALLUVIAL AND THE SAN JOAQUIN RIVER BLUFFS

1. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. T-4959, R-00-36, C-00-218

2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-EH/BP/UGM TO R-1-A/BP/UGM AND R-1-A/UGM (REQUEST BY APPLICANT TO CONTINUE TO 2/27/01 @ 11:15 A.M.)

Continued as requested.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) RESOLUTION NO 01-31 - APPROVING THE SUMMARY VACATION OF A PORTION OF JEANNE AVENUE BETWEEN WEST AND SWIFT AVENUES AND A PUBLIC UTILITY EASEMENT IN THE JEANNE AVENUE ALIGNMENT BETWEEN SWIFT AND ASHLAN AVENUES - PUBLIC WORKS/ENGINEERING

(1A-2) DECLARING EQUIPMENT SURPLUS TO THE CITY’S NEEDS, AND AUTHORIZE THE SALE OF SURPLUS IBM MAINFRAME AND RELATED EQUIPMENT TO INTELLESALE.COM INC. OF WONDER LAKE, IL FOR \$1,600 PLUS TAX - ADMIN./PURCHASING

(1A-5) AWARD A CONTRACT TO HALOPOFF & SONS, INC., IN THE AMOUNT OF \$68,896.25, FOR THE BASE BID AND ADD-ALTERNATE I, FOR INSTALLATION OF EIGHT (8) INCH WATER MAINS AT N. PALM AVENUE, E. SANTA ANA TO N. VAN NESS AVENUE, AND E. ALAMOS AVENUE TO N. SAFFORD TO N. PALM AVENUE

(1A-6) * RESOLUTION NO. 01-32 - 93RD AMENDMENT TO AAR 2000-183 APPROPRIATING \$1,500 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE LADIES AID FOR RETARDED CITIZENS OF FRESNO, INC. - COUNCILMEMBER QUINTERO

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILLS FOR INTRODUCTION:

- (1B-2) INTRODUCTION OF BILLS AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO SIGNS AND PUBLIC NUISANCES
- a. * **BILL NO. B-9** - AMENDING SECTIONS 13-910 (H), 13-917, ADDING SUBSECTION (L) TO SECTION 13-913, ADDING SECTION 13-919 AND 13-920 OF THE FRESNO MUNICIPAL CODE, RELATING TO SIGNS
- b. * **BILL NO. B-10** - ADDING SUBSECTION (L) TO SECTION 9-804 OF THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC NUISANCES

Councilmember Duncan recused himself from proceedings.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill Nos. B-9 and B-10 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Duncan

- (1B-3) * **BILL NO. B-11** - AMENDING SECTION 2-115 OF THE FRESNO MUNICIPAL CODE RELATING TO COUNCIL MEETINGS AND RULES OF ORDER - PRESIDENT PEREA AND COUNCILMEMBER DUNCAN

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill No. B-11 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILL FOR ADOPTION:

- (1C-1) * **BILL NO. B-5 - ORDINANCE NO. 01-6** - AMENDING SECTION 3-109 OF THE FRESNO MUNICIPAL CODE RELATING TO CONTRACTS OF SERVICES, WORK, EQUIPMENT, MATERIALS AND SUPPLIES; REPEALING RESOLUTION NO. 94-125 RELATED TO THE AUTHORIZATION OF THE CONTRACTING FOR PROFESSIONAL CONSULTING SERVICES BY CERTAIN OFFICIALS; AND ESTABLISHMENT OF A POLICY REGARDING THE PRESENTATION OF PROFESSIONAL CONSULTING SERVICE CONTRACTS TO THE COUNCIL FOR ITS APPROVAL (*REQUIRING COUNCIL APPROVAL FOR EXPENDITURE OF CITY MONIES GREATER THAN \$50,000*)

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill No. B-5 adopted as Ordinance No. 01-6, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

DIRECT STAFF TO SCHEDULE ON THE FEBRUARY 6TH AGENDA: (1) *TIME CERTAIN* - APPROVE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA); AND (2) REPORT ON FUNDING FOR KINGS CANYON BLVD. IMPROVEMENTS - PRESIDENT PEREA

Direction made and the FPOA contract was set for February 6th at 3:45 p.m.

DIRECT STAFF TO SCHEDULE ON THE FEBRUARY 6TH COUNCIL AGENDA AT A TIME CERTAIN A REPORT FROM THE ECONOMIC DEVELOPMENT CORP. (EDC) ON THEIR PROJECTS AND ACTIVITIES - COUNCILMEMBER CASTILLO

Direction made and the matter was set for February 6th at 4:00 p.m.

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(5A) PROPOSED APPOINTMENT OF DR. DAVID E. ROY TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER CALHOUN

(2 - 0) On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the appointment of David Roy to the Human Relations Commission introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5B) REQUEST CITY MANAGER TO RETURN IN 45 DAYS WITH RECOMMENDATIONS AND SUGGESTED CHANGES TO THE UGM PROGRAM FOR IMPLEMENTATION, INCLUDING SPECIFIC RECOMMENDATIONS FOR:

1. MOVING THE FINANCIAL MANAGEMENT OF THE UGM TO FINANCE AND HOW THIS CAN BE ACCOMPLISHED WITHOUT ADDITIONAL SPENDING FROM THE GENERAL FUND
2. HOW, WITH INPUT FROM THE BIA, THE PROCESS OF COLLECTING, TRACKING AND REIMBURSEMENT OF UGM FEES CAN MORE EFFECTIVELY BE MANAGED
3. A PROPOSAL FOR A NEXUS STUDY FOR THE EVALUATION OF OUR UGM FEE STRUCTURE THAT CORRESPONDS WITH THE GENERAL PLAN UPDATE WITH THE GOAL OF HAVING THIS NEW STRUCTURE IN PLACE WHEN THE NEW GENERAL PLAN IS COMPLETED - COUNCILMEMBER DUNCAN

Briefly reviewed by Councilmember Duncan and a motion and second was made to approve the request as outlined. Councilmember Duncan responded to a question of President Perea relative to how the direction would affect potential litigation by the Building Industry Association.

Barbara Hunt, 944 "F" Street, spoke to the issue.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the City Manager requested to return in 45 days with recommendations and suggested changes to the UGM Program for implementation, including specific recommendations as outlined above, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5C) REAPPOINT COUNCIL COMMITTEE FOR THE BEAUTIFICATION OF HIGHWAY 99 FOR RECOMMENDATION FOR GATEWAYS TO FRESNO - ACTING PRESIDENT RONQUILLO

Briefly reviewed by Acting President Ronquillo who requested three members be reappointed to determine a gateway theme and report back to Council, recommended Councilmembers Boyajian and Calhoun and himself be appointed since their council districts bordered 99, and displayed various renditions on the overhead as examples. Acting President Ronquillo was commended for his leadership on the issue.

Brief discussion ensued. Councilmember Quintero noted the examples all had water features and citing water problems with the Westlands Water District suggested redesigns be looked at taking out the water features. Councilmember Calhoun briefly commented on how the 99/Shaw interchange project would tie into beautification efforts.

Barbara Hunt, 944 "F" Street, spoke to the issue.

There was no further discussion.

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RECESS - 9:50 A.M. - 10:03 A.M.

(10:00 A.M.#2) AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MACIAS CONSULTING GROUP, INC. (MCG) FOR FINANCIAL AUDITING SERVICES - COUNCILMEMBER CASTILLO

1. * RESOLUTION NO. 01-33 - 69TH AMENDMENT TO AAR APPROPRIATING \$57,100 TO FUND THE PROFESSIONAL AUDITING SERVICES AGREEMENT

A motion and second was made to approve staff's recommendation. Denise Callahan, representing MCG, and Interim Controller Carlton responded to questions and/or comments of Councilmember Duncan relative to MCG's position on staff's recommendation, timeline to complete Phase 2, and what the total cost would be for a full audit. Councilmember Duncan noted he originally did not support the matter but had since changed his position, stressed it was incumbent for Council to know the financial condition of the City from an independent standpoint adding there should be no cloud over the condition whatsoever, and questioned if a full audit should be conducted versus the core part presented earlier and requested Council's input. Council Budget Analyst Dible recommended MCG perform a full exclusive audit at one time for a total cost of \$169,530.

Councilmember Duncan, Budget Manager Bruney, Mr. Carlton and Ms. Callahan responded to questions and/or comments of President Perea and Councilmembers Calhoun and Ronquillo relative to whether the fire and police departments would be included in a full audit, budgeting Phases 2 and 3 in the next fiscal year, meaning of “non-departmental department”, cost to conduct all phases versus piecemeal, MCG’s recommendation or preference, if the Peer Review would include the convention center, fire and police departments, cost to include those departments and timeframe, and possibility of cost changes down the road if a full audit was directed this date.

Councilmember Castillo withdrew his original motion and made another motion, seconded by Councilmember Quintero, to approve Phases 1, 2 and 3 with the additional audit of fire and police pending for further date (Option 2 as recommended by the Budget Analyst Diebe in a memo to Council). Councilmember Boyajian spoke in support of the motion and explained.

President Perea noted there was confusion with the motion due to how the issue was titled on the agenda and clarified the proper motion would be to approve staff’s recommendation and direct staff to return next week with the appropriate AAR to fund the remainder of the study as recommended by the Budget Analyst. Upon question of Mr. Bruney, Ms. Callahan recommended fire and police be performed after the first phase. Councilmember Boyajian clarified why the project was proposed in phases and Ms. Callahan clarified what information and findings Council would be presented with and timeframes. President Perea commended Councilmember Boyajian for his leadership.

On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the City Manager authorized to negotiate and enter into a professional services agreement with Macias Consulting Group, Inc., (MCG) for financial auditing services; the above entitled Resolution No. 01-33 hereby adopted; and staff directed to return with a report and enabling documents allocating additional funding for a total cost of \$169,530 to enable MCG to perform an exclusive independent audit (Option 2 contained in a memo from Analyst Dible to Council dated 1/25/01), by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

After presentation of the following proclamation, Barbara Hunt, 944 “F” Street, spoke to subject issue.

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(ADD-ON) PROCLAMATION OF “ANN NOTARANGELLO DAY”

The proclamation was read and presented (**3 - 0**) and Council commended Ms. Notarangelo for her reporting work and wished her well in her new job in San Francisco.

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(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-00-048 AND ENVIRONMENTAL FINDINGS, FILED BY FRESNO COMMUNITY HOSPITAL/GARY GIANNETTA, PROPERTY LOCATED AT 120 N. THESTA AVENUE

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-00-48

2. **BILL NO. B-12 - ORDINANCE NO. 01-7** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM "P" TO "C-P"

Councilmember Calhoun recused himself from proceedings, reiterated his request for a ruling from the City Attorney, and left the meeting at 10:38 a.m.

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Dilbeck briefly reviewed the staff report as submitted and a motion and second was made to approve staff's recommendation.

Barbara Hunt, 944 'F' Street, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the categorical exemption for Environmental Assessment No. R-00-048 hereby approved, and the above entitled Bill No. B-12 adopted as Ordinance No. 01-7, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Calhoun

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(10:30 A.M.) HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF NECESSITY TO ACQUIRE EASEMENTS FOR STREET PURPOSES FOR THE RECONSTRUCTION OF THE W. ASHLAN AND N. CORNELIA AVENUES INTERSECTION

1. RESOLUTION NO. 01-34 - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF RIGHT OF WAY FOR THE RECONSTRUCTION OF THE W. ASHLAN AND N. CORNELIA AVENUES INTERSECTION, AND THAT THE ACQUISITION OF AN EASEMENT IS NECESSARY FOR THE PROJECT

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, **RESOLVED**, the above entitled Resolution No. 01-34 hereby adopted, by the following vote:

*Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Calhoun

(* A re-vote was subsequently taken)

Councilmember Calhoun returned to the meeting at 10:42 a.m. City Engineer Salazar responded to questions of Councilmember Boyajian relative to the timeframe for the project and if Ashlan Avenue was going to be widened. Councilmembers Boyajian and Calhoun thanked staff for their work on the project and commented on the dangerous intersection.

A motion of President Perea, seconded by Councilmember Boyajian, to reconsider the issue to allow for a re-vote and participation by Councilmember Calhoun was approved unanimously.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-34 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:00 A.M.#1 - **10:40 A.M.**) CONTINUED HEARING ON REZONE APPLICATION NO. R-00-34 AND ENVIRONMENTAL FINDINGS, FILED BY MAJESTIC DEVELOPMENT, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E. NORTH AVENUE AND S. ORANGE AVENUE

1. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-00-34

2. BILL NO. B-13 - ORDINANCE NO. 01-8 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 AND AE-2/UGM TO M-2 AND M-2/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the Negative Declaration issued for Environmental Assessment No. R-00-034 hereby accepted, and the above entitled Bill No. B-13 adopted as Ordinance No. 01-8, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(**10:45 A.M.**) CONSIDERATION OF THE PARTIAL CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 8 RELATED TO 29.7± ACRES LOCATED ON THE EAST SIDE OF S. ORANGE BETWEEN E. CENTRAL AND E. NORTH AVENUE

1. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. ALCC8-MAJESTIC DATED JANUARY 20, 2001

2. RESOLUTION NO. 01-35 - CANCELLATION OF A PORTION OF AGRICULTURE LANDS CONSERVATION CONTRACT NO.8

Planner Lewis reviewed the staff report as submitted and in response to an earlier question of Councilmember Calhoun advised the penalty fee would be paid by the property owners. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 944 'F' Street , spoke to the issue.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 01-35 granting tentative cancellation of Agricultural Land Conservation Contract No. 8 for the 29.7+ acre parcel, which shall become final upon payment of the required cancellation fee to the Fresno County Treasurer hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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RECESS - 10:52 A.M. - 11:01 A.M.

11:00 P.M.#2 DESIGNATION OF FUEL PATH REQUIRED UNDER CALIFORNIA AIR RESOURCE BOARD TRANSIT FLEET RULE - COUNCIL PRESIDENT PEREA

1. DISCUSS RECOMMENDATION OF THE CITY CLEAN AIR ADVISORY COMMITTEE

President Perea gave a brief overview of the issue, noted a decision needed to be made on whether to designate a clean diesel or alternative fuel path, thanked the Clean Air Advisory Committee (CAAC) for all their work, and noting they were recommending clean diesel fuel stated he did not necessarily agree with the recommendation and called for dialog.

Speaking to the issue were: Steve Lewis, Professor of Earth and Environmental Sciences and CAAC Chair, who gave a report on behalf of the committee including their findings and reason for recommending clean diesel, and responded to questions of President Perea relative to flexibility and restrictions with natural gas; and Kingsburg Mayor Wright, COG representative to the CAAC, who spoke additionally to the committee's recommendation.

President Perea noted a memorandum was received from Mayor Autry supporting CAAC's recommendation.

Continued speakers were: Shirley Main, 2322 W. Ashlan, support for alternative fuel; Pam Jones, Diesel Technology Forum, 285 Chesham, San Carlos, CA, support for clean diesel; Dennis Bolt, 1115 11th Street, Sacramento, support for clean diesel; Gary Willms, Marketing Manager, Gillig Corp., Pleasanton, CA, for clean diesel; Barbara Hunt, 944 'F' Street (**4 - 0**); and Kevin Hall, 1204 E. Sierra Madre, Chair, Sierra Club Tehipite Chapter, for clean diesel.

Councilmember Duncan commended the CAAC for their forward thinking, presented questions relative to cost to convert to CNG, funding source to convert, and how transit services would be impacted (with Transit Manager Rudd responding), and made a motion to approve the clean diesel path.

Extensive discussion ensued with Mr. Lewis and Mr. Rudd responding to questions and/or comments of Councilmembers Boyajian (who spoke in support of natural gas), Castillo, Ronquillo and President Perea relative to purpose of the CAAC and type of information they studied, if the committee talked with anyone from the Air Pollution Control District on alternative fuel, agencies that came and talked to the CAAC, bay area cities looked at, if technology was going to clean diesel, importance of Council giving direction for the future, cost to convert diesel buses to natural gas, health concerns with clean diesel, paths of school districts, spending plan for the \$600,000 received from COG, types of buses anticipated to be purchased in 10 years, why dollars were being expended if fuel cell buses were the future, emissions from large transport trucks, who would pay for a CNG fueling station, the bid that went out for buses, if Gillig Corp. stood to receive a contract if clean diesel was chosen, and affect on purchase of buses if natural gas was chosen.

Councilmember Quintero seconded Councilmember Duncan's motion for clean diesel and brief discussion ensued with Mr. Rudd responding to questions of Councilmembers Boyajian, Castillo and President Perea relative to hybrid buses, if fueling stations were needed for hybrid buses, if staff's recommendation would be swayed if a fueling station were built by someone other than the City, vendors that would pay for a fueling station, and cost comparisons of natural gas and diesel.

Jim Larson, P.G. & E., 245 Market Street, San Francisco, **(5 - 0)** spoke in support of natural gas, reviewed a study that was conducted stating natural gas exceeded regulations and diesel technology was striving to meet them, and responded to questions of Acting President Ronquillo and Councilmember Duncan relative to natural gas and how it was sold, cost increase over the years for diesel fuel, reasons for the increase, gas shortages, and premium the City would pay for an uninterruptable rate and assurances. Councilmember Duncan reiterated his support for clean diesel stating energy issues would not be going away soon, emphasized the City needed to look at the stability of sources to run buses, and commented on the cost issue for a fueling station adding there was no free ride and the City would pay for it.

Al Galvez, P.G. & E., clarified issues relative to the energy market and stated natural gas was available but PG&E was not able to purchase it at this point.

President Perea spoke in support of alternative fuel and requested Council show leadership, and stated technology was changing but the City could not wait. Acting President Ronquillo stated the large trucks on the freeway gave out more pollutants and he would support natural gas for now.

A motion of Councilmember Duncan, seconded y Councilmember Quintero, to designate a clean diesel fuel path as recommended by City's Clean Air Advisory Committee and as required under the California Air Resource Board Transit Fleet Rule failed, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero
Noes	:	Boyajian, Castillo, Ronquillo, Perea
Absent	:	None

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the alternative fuel path hereby designated for the City of Fresno as required under the California Air Resource Board Transit Fleet Rule, by the following vote:

Ayes : Boyajian, Castillo, Ronquillo, Perea
noes : Calhoun, Duncan, Quintero
Absent: : None

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LUNCH RECESS - 12:32 P.M. - 2:00 P.M.

(1B-1) * BILL NO. B-14 - AMENDING SECTION 8-128 OF THE FRESNO MUNICIPAL CODE RELATING TO THE NIGHT TIME CURFEW FOR MINORS, AND ADDING SECTION 8-128.2 RELATING TO DAYTIME CURFEW FOR MINORS - POLICE

Chief Winchester reviewed the staff report and proposed ordinance bill as presented including exemptions and sanctions. Mayor Chief of Staff White stated Mayor Autry was in support of the ordinance.

Speaking to the issue were: Barbara Hunt, 944 'F' Street, opposed to the ordinance; and Ken Steitz, 7831 N. Mansionette, opposed.

A motion and second was made to introduce the ordinance, which was acted upon after lengthy discussion.

Chief Winchester, Officers Ayello and Arendt, City Attorney Montoy, Bob Pankrantz, FUSD, and Fire Chief Smith responded to numerous questions and/or comments of the entire Council relative to how year-round school students would be dealt with, ID cards for home-schooled students, holding parents responsible for truancy, **(6 - 0)** how long Operation Stay in School (OSIS) had been in effect, ability of officers to pull over any student at any time, if there were certain parts of town with a high concentration of truants, if the ordinance had been reviewed by a committee, if the City of Monrovia's ordinance was being challenged currently, racial profiling, if the City Attorney reviewed the ordinance, wording relative to minors running "emergency errands", if the City Attorney was comfortable with the ordinance, if the police department had been proactive and how they would approach this ordinance if adopted, if certain crimes were being targeted for reduction, the ending 2:00 p.m. time limit, a school in the Hanoian's Market site and decrease in crime, if the proposed ordinance was simply adding more "teeth" to what was already being done and allowed, moneys received by schools for students, if there were other school sites such as that in Hanoian's, if the city of Clovis had similar programs, how students who live outside the city would be dealt with, educational outreach, ID cards for home-schooled students, firefighters interacting with truant students, financial ability of families to pay fines imposed, crime statistics between 8 am and 2 pm, if discussions were held with bordering school districts, racial and age profiling, if the truancy centers located in the central and southern areas of the city were due to crime in those areas, exorbitant number of unexcused absences, average absence time, need for more public input on the ordinance, and existing state law relative to curfew times. Brief discussion ensued on delaying adoption of the ordinance for two weeks for input from the Education Committee and schools.

Kevin Hall, 1204 AE. Sierra Madre, spoke in opposition to the ordinance stating this was a civil rights issue and spoke in support of additional time for outreach.

Acting President Ronquillo commented on the need to address drop out rates **(7 - 0)** and stated he felt the City should try this as there was always the option of reversing the course if the ordinance did not make an impact or if

lawsuits came forth. Councilmember Castillo and President Perea spoke in support of delaying adoption for two weeks for community input and to address the enforcement aspect. Acting President Ronquillo offered a motion to introduce the ordinance and lay it over two weeks, which motion was ruled impermissible as a motion was already on the floor, whereupon Acting President Ronquillo withdrew his second to the motion on the floor.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Bill No. B-14 introduced before the Council and laid over to 2/6/01, at 4:45 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero
noes	:	Castillo, Ronquillo, Perea
Absent	:	None

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(1A-3) * RESOLUTION NO. 01-36 - 94TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$88,100 FOR THE PILIBOS SOCCER PARK AND SAN JOAQUIN BLUFF STABILIZATION TRAIL IMPROVEMENTS - PARKS/BUDGET

Parks and Recreation Director Primavera responded briefly to questions of Councilmember Castillo and President Perea relative to the funding source, if any additional dollars were set aside for the Pilibos project, if any other grant dollars were available, and proposed tot lots.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-36 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(1B-2) BILLS AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO SIGNS AND PUBLIC NUISANCES

- a. * BILL NO. B-9 - AMENDING SECTIONS 13-910 (H), 13-917, ADDING SUBSECTION (L) TO SECTION 13-913, ADDING SECTION 13-919 AND 13-920 OF THE FRESNO MUNICIPAL CODE, RELATING TO SIGNS**
- b. * BILL NO. B-10 - ADDING SUBSECTION (L) TO SECTION 9-804 OF THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC NUISANCES**

Upon question, City Attorney Montoy confirmed the proposed bills had been introduced in the morning session.

UNSCHEDULED ORAL COMMUNICATIONS - APPEARANCE BY TERRY CLARKSON REGARDING THE SIGN ORDINANCE AND PROPOSED AMENDMENTS

Ms. Clarkson stated the sign ordinance and amendments would cause her to go out of business, with President Perea advising Ms. Clarkson of the two proposed changes and informed her the matter would be back to Council on February 6th at a time certain and she would be notified. There was no further discussion.

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(4A) WORKSHOP ON MUNICIPAL LAWS - PART I

Not held.

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2:00 P.M.#1 CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6:
CITY NEGOTIATOR(S): JORGE AGUINIGA, ANDREW T. SOUZA AND MATTHEW GARGIULO
EMPLOYEE ORGANIZATION(S): INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 753,
NON-MANAGEMENT FIRE AND MANAGEMENT (IAFF)

Laid over.

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B)(1) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: CLAIM OF LOUELLA MCCOY

(D) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A) - CASE NAMES:

- 1. DMP DEVELOPMENT CORP. INC. V. CITY OF FRESNO -**
- 2. CITY OF V. DANIEL W. GREEN AND SHARON L. GREEN INDIVIDUALLY AND DOING BUSINESS AS DAN GREEN'S WOOD RECYCLING AKA DAN GREEN'S RECYCLING, AND DOES 1 THROUGH 50, INCLUSIVE**
- 3. A.H.D.C. V. CITY OF FRESNO, ET AL.**

The Council met in closed session in Room 2125 at the hour of 3:30 p.m. to consider the issues under “B” and “D” and adjourned thereafter.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:48 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 6th day of February, 2001.

Henry Perea, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk